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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-8166*

13 **MICHAEL GENE WILLIAMS**  
14 **199 N. Washington Street**  
**Sonora, CA 95370**  
**Registered Nurse License No. 516373**

**A C C U S A T I O N**

Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 2. On or about September 29, 1995, the Board issued Registered Nurse License Number  
22 516373 to Michael Gene Williams ("Respondent"). Respondent's registered nurse license was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on February  
24 28, 2013, unless renewed.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2761 states, in pertinent part:

4 The board may take disciplinary action against a certified or licensed  
5 nurse or deny an application for a certificate or license for any of the following:

6 (a) Unprofessional conduct . . .

7 . . . .

8 (f) Conviction of a felony or of any offense substantially related to the  
9 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof . . .

10 5. Code section 2762 states, in pertinent part:

11 In addition to other acts constituting unprofessional conduct within the  
12 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
person licensed under this chapter to do any of the following:

13 . . . .

14 (b) Use any controlled substance as defined in Division 10 (commencing  
15 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
16 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
in a manner dangerous or injurious to himself or herself, any other person, or the  
17 public or to the extent that such use impairs his or her ability to conduct with safety to  
the public the practice authorized by his or her license.

18 (c) Be convicted of a criminal offense involving the prescription,  
consumption, or self administration of any of the substances described in subdivisions  
19 (a) and (b) of this section, or the possession of, or falsification of a record pertaining  
to, the substances described in subdivision (a) of this section, in which event the  
20 record of the conviction is conclusive evidence thereof . . .

21 6. Code section 2765 states:

22 A plea or verdict of guilty or a conviction following a plea of nolo  
23 contendere made to a charge substantially related to the qualifications, functions and  
24 duties of a registered nurse is deemed to be a conviction within the meaning of this  
article. The board may order the license or certificate suspended or revoked, or may  
25 decline to issue a license or certificate, when the time for appeal has elapsed, or the  
judgment of conviction has been affirmed on appeal or when an order granting  
26 probation is made suspending the imposition of sentence, irrespective of a subsequent  
order under the provisions of Section 1203.4 of the Penal Code allowing such person  
27 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
the verdict of guilty, or dismissing the accusation, information or indictment.

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1 7. California Code of Regulations, title 16, section 1444, states, in pertinent part:

2 A conviction or act shall be considered to be substantially related to the  
3 qualifications, functions or duties of a registered nurse if to a substantial degree it  
4 evidences the present or potential unfitness of a registered nurse to practice in a  
manner consistent with the public health, safety, or welfare. Such convictions or acts  
shall include but not be limited to the following:

5 (a) Assaultive or abusive conduct including, but not limited to, those  
6 violations listed in subdivision (d) of Penal Code Section 11160 . . .

7 **COST RECOVERY**

8 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licensee found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Criminal Convictions)**

14 9. Respondent is subject to disciplinary action pursuant to Code section 2761,  
15 subdivision (f), in that he was convicted of crimes which are substantially related to the  
16 qualifications, functions, and duties of a registered nurse, as follows:

17 a. On or about June 19, 2008, in the criminal proceeding titled *People v. Michael G.*  
18 *Williams* (Super. Ct. Tuolumne County, 2008, Case No. CRM26950), Respondent pled guilty to  
19 violating Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or  
20 drugs, a misdemeanor), and Penal Code section 148, subdivision (a)(1) (resisting arrest). The  
21 imposition of Respondent's sentence was suspended and Respondent was placed on formal  
22 probation for 5 years on terms and conditions, including that Respondent obey all laws and  
23 abstain from the excessive use of alcoholic beverages.

24 b. The circumstances of the crimes set forth in subparagraph (a) above are as follows:  
25 On or about April 12, 2008, an officer with the California Highway Patrol was dispatched to a  
26 call of a single vehicle collision. After arriving on scene, the officer observed that Respondent's  
27 vehicle had sustained total damage. Respondent admitted to the officer that he was "intoxicated."  
28 The officer observed that Respondent's eyes were bloodshot and watery, that he had an obvious

1 odor of an alcoholic beverage on his breath, and that his speech was slow, slurred, rambling, and  
2 deliberate. Respondent would grumble to himself for several minutes and his mood would  
3 fluctuate from friendly and cooperative to suddenly belligerent and confrontational. The officer  
4 had Respondent perform a series of field sobriety tests, which Respondent failed. The officer  
5 arrested Respondent for driving under the influence, and he and two other CHP officers  
6 transported Respondent to Sonora Regional Hospital for a blood alcohol test. Respondent  
7 became more agitated and continued to swear and scream. Respondent was taken to an  
8 examining room so that a blood sample could be drawn. Respondent began screaming, twisting,  
9 and turning and had to be physically restrained by the officers. Respondent's blood alcohol level  
10 was later determined to be in excess of 0.15 percent.

11 c. On or about August 20, 2010, in the criminal proceeding titled *People v. Michael*  
12 *Gene Williams* (Super. Ct. Tuolumne County, 2010, Case No. CRF32736), Respondent pled  
13 guilty to violating Penal Code section 372 (public nuisance, a misdemeanor). Respondent was  
14 originally charged with two counts of violating Penal Code section 422 (making criminal threats,  
15 a felony); however, those charges were dismissed in view of Respondent's plea, as above. The  
16 imposition of sentence was suspended and Respondent was placed on probation for 3 years on  
17 terms and conditions, including that Respondent comply with a criminal protective stay away  
18 order as to victims J. P., C. P., and K. P.

19 d. The circumstances of the crime set forth in subparagraph (c) above are as follows:  
20 On or about June 18, 2010, at approximately 1809 hours, an officer of the Sonora Police  
21 Department was dispatched to a verbal altercation between two male subjects. After arriving on  
22 scene, the officer observed a group of people standing on the side of a road. As the officer  
23 approached the group of people, he saw two males talking to each other. The males were later  
24 identified as Respondent and J. P. As the officer got closer, he heard Respondent tell J. P., "I  
25 could kill you seven different ways." Later, J. P. told the officer that Respondent had been  
26 threatening his wife, C. P., and his daughter, K. P. and that he was afraid of leaving them alone at  
27 the house. Respondent was arrested for making criminal threats and was handcuffed and placed  
28 in the officer's patrol car. Later, S. H., one of Respondent's neighbors, told the officer during an

1 interview that earlier in the day, she heard yelling outside of her home. S. H. looked out of her  
2 kitchen window and saw Respondent standing at his fence line. Respondent was facing J. P.'s  
3 residence and yelled, "I'm going to kill you." S. H. also stated that Respondent had been  
4 threatening C. P. and K. P. all day, that Respondent had been threatening all of the neighbors, and  
5 that everybody is afraid of Respondent. At approximately 1832 hours that same day, three  
6 officers of the Sonora Police Department responded to a report of a neighborhood disturbance.  
7 One of the officers spoke to a subject, identified as M. P. M. P. stated that Respondent had  
8 threatened to kill M. P.'s wife and daughter. Two other neighbors, D. V. and M. V., were also  
9 interviewed. D. V. stated that Respondent had made threats to several other neighbors in the past,  
10 that Respondent has a drug and/or alcohol problem, and that Respondent tends to act violently  
11 when he is intoxicated. M. V. stated that while outside of her residence, she heard Respondent  
12 threaten to kill C. P. and her entire family. M. V. also stated that she had observed Respondent  
13 acting violently towards other neighbors in the past, that she and her neighbors are in fear of  
14 Respondent, and that if nothing is done soon, Respondent "will hurt or kill someone." The  
15 incidents of June 18, 2010, occurred while Respondent was on probation for his criminal  
16 conviction of June 19, 2008.

## 17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Use of Alcoholic Beverages to an Extent or in a Manner**

19 **Dangerous or Injurious to Oneself and the Public)**

20 10. Respondent is subject to disciplinary action pursuant to Code section 2761,  
21 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,  
22 subdivision (b), in that on or about April 12, 2008, Respondent used alcoholic beverages to an  
23 extent or in a manner dangerous or injurious to himself and the public, as set forth in  
24 subparagraphs 9 (a) and (b) above.

## 25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Conviction Related to the Consumption of Alcoholic Beverages)**

27 11. Respondent is subject to disciplinary action pursuant to Code section 2761,  
28 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,

1 subdivision (c), in that on or about June 19, 2008, Respondent was convicted of a criminal  
2 offense involving the consumption of alcoholic beverages, as set forth in subparagraph 9 (a)  
3 above.

4 PRAYER

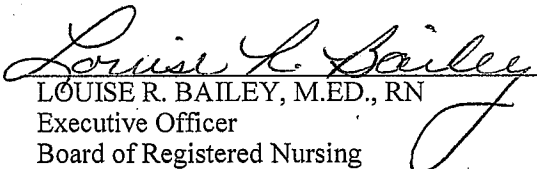
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 516373, issued to  
8 Michael Gene Williams;

9 2. Ordering Michael Gene Williams to pay the Board of Registered Nursing the  
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
11 Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: 4/19/11

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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